

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission's Rules)	GN Docket No. 11-117
)	
Wireless E911 Location Accuracy Requirements)	PS Docket No. 07-114
)	
E911 Requirements for IP-Enabled Service Providers)	WC Docket No. 05-196
)	

**JOINT INITIAL COMMENTS OF THE TEXAS COMMISSION ON STATE
EMERGENCY COMMUNICATIONS AND THE TEXAS 9-1-1 ALLIANCE
TO THE SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

The Texas Commission on State Emergency Communications¹ and the Texas 9-1-1 Alliance² (collectively referred to herein as the “Texas 9-1-1 Agencies”) respectfully submit the following brief joint initial comments in response to the Second Further Notice of Proposed Rulemaking (“NPRM”), specifically regarding the Federal Communications Commission’s (the “Commission”) request for comment on the adoption of proposed general location accuracy governing principles applicable to interconnected Voice over Internet Protocol (VoIP) and over-the-top VoIP service providers.³

¹ The Texas Commission on State Emergency Communications (“CSEC”) is a state agency created pursuant to Texas Health and Safety Code Chapter 771, and is the state authority on emergency communications. CSEC oversees the implementation of 9-1-1 service provided by Texas’ 24 Councils of Government, which serve approximately two-thirds of the geographic area of Texas and one-third of its population.

² The Texas 9-1-1 Alliance is an interlocal cooperation entity composed of 24 Texas Emergency Communication Districts with E9-1-1 service and public safety responsibility for approximately 53% of the population of Texas. These districts were created pursuant to Texas Health and Safety Code Chapter 772.

³ In the Matter of Amending the Definition of Interconnected VoIP Service in Section 9.3 of the Commission’s Rules, GN Docket No. 11-117, *Notice of Proposed Rulemaking*, 11 FCC Record ___, ¶¶ 72-73 (rel. July 13, 2011).

The Texas 9-1-1 Agencies appreciate the Commission's including the issue of pre-deployment outdoor testing by wireless carriers, urged earlier by the Texas 9-1-1 Agencies, as one of the outdoor testing tasks being referred to Communications Security, Reliability and Interoperability Council ("CSRIC") for recommendations.⁴ As the Texas 9-1-1 Agencies stated in earlier filed comments and as reflected in the NPRM, "[w]ireless carriers must be required to do initial predeployment testing of Phase 2 service before turning up any new towers with live traffic or any new coverage areas with live traffic in 9-1-1 authority areas that have full Phase 2 service," and "20.18 should not be interpreted to create an automatic loophole extension of up to six-months for wireless carriers to deploy Phase 2 service at a later date after they start handling live end user traffic."⁵

The Texas 9-1-1 Agencies encourage the Commission to adopt general location accuracy governing principles applicable to interconnected VoIP and over-the-top VoIP service providers.⁶ Such framework governing principles at a minimum should include cooperation, coordination, and reasonable due diligence. The governing principles, however, should not be limited to automatically determining E9-1-1 location,⁷ but rather should apply more broadly to include the issue of E9-1-1 availability, and apply to all carriers providing communications services that use broadband facilities (e.g., carriers providing communications services to businesses that use Private Branch Exchange ["PBX"] or other Multi-Line Telephone Systems ["MLTS"]). As the Commission explained in the NPRM, "since late 2008, Skype has been marketing several versions of its service to small, medium, and large business that use Session

⁴ NPRM at ¶¶ 34-38.

⁵ NPRM at ¶ 29.

⁶ NPRM at ¶¶ 72-73.

⁷ *Id.* ¶

Initiation Protocol-based PBX systems.”⁸ Skype, or any other carrier providing communications service to SIP-based PBX systems, may not be involved in whether and how the PBX is set up for E9-1-1 call handling and location determination. (MLTS may provision E9-1-1 for stations served behind it in compliance with applicable state and local laws, or on a voluntary basis.) But as a matter of public policy, duty of conduct, and parity, all carriers providing communications service to MLTS (SIP-based or otherwise) should operate under framework governing principles to cooperate, coordinate, and use reasonable due diligence as may be appropriate to enable and ensure adequate and timely provisioning of E9-1-1 service is available to the end users behind the MLTS -- even if the underlying service does not constitute interconnected VoIP service under the Commission’s current or future definition.

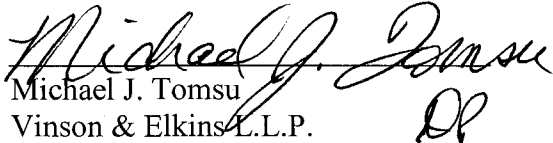
Finally, given ongoing inferences regarding future sunset of the public switched telephone network (“PSTN”), the Texas 9-1-1 Agencies concur with the Commission that it would be prudent to modify the current interconnected VoIP rule definition by deleting references to connectivity of calls that originate on or terminate to the “PSTN” and replace it with “permits users to terminate calls to all or substantially all United States E.164 telephone numbers.”⁹

⁸ NPRM at ¶ 47.

⁹ NPRM at ¶ 50 (“By referencing E.164 telephone numbers and eliminating reference to the PSTN, the definition of interconnected VoIP service might be technically more accurate and avoid potential technical obsolescence.”); and at ¶ 51.

The Texas 9-1-1 Agencies appreciate the opportunity to comment on these issues.

Respectfully submitted,

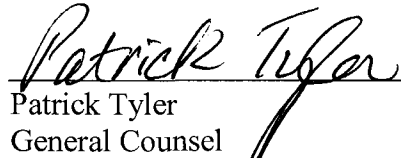

Michael J. Tomsu
Vinson & Elkins L.L.P.
2801 Via Fortuna, Suite 100
Austin, Texas 78746
512-542-8527
512-236-3211 (fax)
mtomsu@velaw.com

On behalf of the Texas 9-1-1 Alliance

On the comments:

Richard A. Muscat
Bexar Metro 9-1-1 Network District

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 with permission
Patrick Tyler
General Counsel
Commission on State Emergency
Communications
333 Guadalupe Street, Suite 2-212
Austin, Texas 78701-3942
512-305-6915
512-305-6937 (fax)
Patrick.tyler@csec.texas.gov

On behalf of the Texas Commission on State
Emergency Communications